

10187. Adulteration and misbranding of No Skipper Compound. U. S. v. 11 Cases of No Skipper Compound. Decree of condemnation and destruction. (F. D. C. No. 16260. Sample No. 13639-H.)

LABEL FILED: June 6, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about April 14, 1945, by James H. Forbes Tea and Coffee Co., from St. Louis, Mo.

PRODUCT: 11 cases, each containing 12 cans, of No Skipper Compound at Russellville, Ky.

LABEL, IN PART: "One Pound Net Wt. Cooksey's No Skipper Compound Composed of Red Pepper, Borax, Oil of Capsicum. Instructions for use Dampen your meat and rub all over thoroughly. Get in all cracks especially in hock end."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, borax, which may have rendered it injurious to health; and, Section 403 (a), the statements on the label were misleading in that they implied that the article might safely be used, whereas such use would be potentially dangerous to the health of the consumer.

DISPOSITION: December 10, 1945. The intervening petition of Gaines Cooksey, Russellville, Ky., claimant, having been dismissed, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOOD PRODUCTS

10188. Adulteration of chicle. U. S. v. 197 Bales and 834 Bales of Chicle. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 17620, 17621. Sample Nos. 8023-H, 8024-H.)

LABELS FILED: October 1, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 28 and April 24, 1945, from New Orleans, La., and Tampa, Fla.

PRODUCT: 834 140-pound bales, and 197 bales, each containing approximately 260 pounds, of chicle at Staten Island, N. Y., in possession of the Riveredge Warehouse Corporation. The product had been stored under insanitary conditions after shipment. Many of the bags were rodent-gnawed, and rodent pellets were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 10, 1945. Peter Paul, Inc., Tampa, Fla., and M. D. Bromberg, New Orleans, La., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and cleansed or otherwise treated so as to render it fit for human consumption, under the supervision of the Federal Security Agency. In the event that such action were not possible, the product was to be denatured or treated so that it could not be used for human consumption.

10189. Misbranding of ice cream and sherbet mix base. U. S. v. 28 Cartons of Ice Cream and Sherbet Mix Base. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 17202. Sample No. 36268-H.)

LABEL FILED: On or about August 30, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Bond Corporation, from Portland, Oreg.

PRODUCT: 28 cartons, each containing 36 1-ounce envelopes, of ice cream and sherbet mix base at Denver, Colo. Examination showed that the product consisted of a powdered mixture consisting essentially of a large proportion of soy flour with small amounts of rice starch, dried skim milk, salt, and artificial color.

LABEL, IN PART: "Old Mill * * * Ice Cream and Sherbet Mix Base."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Ice cream and Sherbet Mix Base * * * Makes 3 Pints—Serves 16 * * * Makes All Flavors," were false and misleading since the statements represented